IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7767 of 1989

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

K G PATTANI

Versus

DEVELOPMENT COMMISSIONER

Appearance:

MR YN OZA for Petitioner
MR RJ OZA for Respondent No. 1
MR ND GOHEL for Respondent No. 2
NOTICE SERVED for Respondent No. 3

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 05/05/2000

ORAL JUDGEMENT

Heard the learned advocates.

The petitioner before this court was, at the

relevant time, serving as a Head Clerk in the District Panchayat, Kheda, and has challenged the provisional Gradation List dated 16th December, 1986, for promotion to Development Service Class-II prepared as on 7th April, 1980.

The challenge being against the provisional Gradation List, the same is not maintainable in as much as the petitioner had right to lodge objection against the said Gradation List. Mr. Oza, however, is unaware whether the aforesaid Gradation List has since been finalised or not; whether the petitioner has earned promotion since then; and whether the petitioner had lodged his objection against the provisional Gradation List. Be that as it may, the petitioner can as well challenge the validity of the final Gradation List as and when published.

Petition is, therefore, dismissed. It is clarified that the petitioner shall have a liberty to challenge the final Gradation List as and when published, if necessary. Subject to the above observation, Rule is discharged. Interim relief is vacated.

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JOSHI